

Applicant: KADOYA, Minoru
Serial No.: 10/810,693
Filed: March 29, 2004
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AMENDMENTS TO THE DRAWINGS

The attached sheets include an amended drawing sheet and a prior version sheet. The sheet with the amended drawing includes changes to the second figure labeled Fig. 7a. The figure, as amended is relabeled Fig. 7b, in compliance with 37 CFR 1.121(d). This sheet, which includes Figs. 7a – 7b, replaces the original sheet including Fig. 7a, 7a and 7c.

Attachment: Replacement Sheet

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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicant asserts that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-7 are pending. Claim 1 has been amended. Claim 5 has been cancelled without prejudice or disclaimer. In making this cancellation without prejudice, Applicant reserves all rights in these claims to file divisional and/or continuation patent applications. New claims 8 and 9 have been added in order to further define embodiments of the invention. Applicant respectfully asserts that the amendments to the claims, specification, or drawings add no new matter.

Abstract

In the Office Action, the Examiner objected to the Abstract because in the fourth line the word "ions" is misspelled. The spelling of the word "ions" has been corrected. Accordingly, Applicant requests withdrawal of the objection.

Drawings

In the Office Action, the Examiner objected to the Drawings because there are two figures labeled "7a". The second figure labeled "7a" has been relabeled "7b". Accordingly, Applicant requests withdrawal of the objection.

Specification

In the Office Action, the Examiner objected to the Disclosure because of informalities listed in paragraph 3 of the Office Action. The above amendments to the specification correct said informalities, are editorial in nature and do not introduce new matter.

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CLAIM REJECTIONS

35 U.S.C. § 112 Rejections

In the Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended. Claim 1 as amended complies with 35 U.S.C. § 112. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicant respectfully asserts that these amendments render claim 1 proper under 35 U.S.C. § 112 and request that the rejections be withdrawn.

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 2 and 5 under 35 U.S.C. § 102(b), as being anticipated by Ludewigt et al. (US Patent No. 6,873,633 “Ludewigt”). Applicant respectfully traverses this rejection in view of the remarks that follow.

Claim 1, as amended, includes inter alia, “wherein said heat sink is positioned adjacent to the surfaces of said laser crystals that are parallel to said optical axis”. As shown in Fig. 2 of Ludewigt, Ludewigt’s cooling element, which the Examiner compares to Applicant’s heat sink, is positioned against side surface 22, which is parallel to the flat side 24 of the crystal. In col. 6, lines 57-58 Ludewigt describes that the “optical axis of the pumping light beam P intersects the flat side 24 of the crystal wafer 2”. Thus, Ludewigt’s optical axis intersect side surface 22 and the optical axis and side surface 22 are necessarily not parallel. Therefore, Ludewigt does not teach a “heat sink [that] is positioned adjacent to the surfaces of said laser crystals that are parallel to said optical axis”. For a reference to anticipate a claim, the reference must include all elements of the claim.

Accordingly, Applicant respectfully asserts that amended independent claim 1 is allowable. Claim 2 depends directly from claim 1, and therefore includes all the limitations of the claim. Therefore, Applicant respectfully asserts that claim 2 is likewise allowable.

Claim 5 is cancelled hereinabove. The rejection of claim 5 is therefore moot.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to claims 1, 2 and 5 as being anticipated by Ludewigt.

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35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. § 103(a), as being unpatentable over Ludewigt in view of Hargis et al. (US Patent No. 5,751,751 "Hargis"). In the Office Action, the Examiner rejected claims 6 and 7 under 35 U.S.C. § 103(a), as being unpatentable over Ludewigt in view of Dell'Acqua et al. (US Publication No. 2005/0152426 "Dell'Acqua").

Applicant respectfully traverses the rejection of claims 3 and 4 as being unpatentable over Ludewigt in view of Hargis and claims 6 and 7 as being unpatentable over Ludewigt in view of Dell'Acqua.

As discussed above, claim 1 is allowable over Ludewigt. Claims 3, 4, 6 and 7 depend from claim 1. It is respectfully submitted that the addition of either of Hargis or Dell'Acqua does not cure the deficiencies of Ludewigt. Therefore, claims 3, 4, 6 and 7 are likewise allowable.

Applicant respectfully requests that the Examiner withdraw the rejection of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Ludewigt in view of Hargis and claims 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Ludewigt in view of Dell'Acqua.

Conclusion

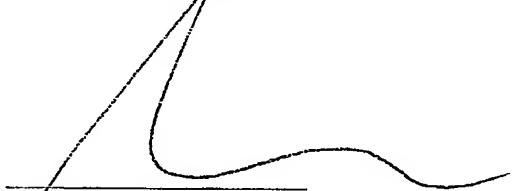
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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No fee is believed to be due in connection with this paper. However, if any such fee is due, please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


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